

REMARKS/ARGUMENTS

Claims 1-9 are pending and under active consideration.

Applicants would like to thank Examiner Martin for the helpful and courteous discussion she had with Applicants' U.S. representative on September 7, 2005. At that time, Applicants' U.S. representative noted that Sano (U.S. Patent Application Publication 2003/0113636 A1) is not prior art under 35 U.S.C. §102(e) because the work described in Sano is the Applicants' own work (see M.P.E.P. §2136.05). Applicants direct the Examiner to the attached Declaration by the Applicants who state that "[t]he relevant disclosure of a lithium secondary battery with a plurality of cathodes and anodes arranged to construct an electrode structure in U.S. Application No. 10/247,511 (U.S. Patent Application Publication 2003/0113636 A1) as it relates to claims 1-9 of the present application is our own work." Accordingly, Applicants' request that the rejection under 35 U.S.C. §102(e) be withdrawn.

In addition, Applicants' U.S. representative noted that Sano is not available as prior art under 35 U.S.C. §103(a) because the subject matter of Sano and the claimed invention were, at the time of invention, owned by or subject to an assignment to TDK Corporation (35 U.S.C. §103(c)). A copy of the Assignment for the present application is enclosed for the Examiner's convenience. As the Examiner will note, the Assignee of the present Application and the Assignee listed in Sano are both TDK Corporation. Accordingly, the rejection under 35 U.S.C. §103(a) should be withdrawn.

Finally, Applicants' U.S. representative noted that the subject matter added to Claim 1 in the response filed April 8, 2005 is supported on page 5, lines 33-35 of the specification, and therefore, the subject matter is not new matter. Based on this argument, the Examiner stated that she would withdraw the rejection under 35 U.S.C. §112, first paragraph.

In light of the remarks contained herein, Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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